PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)
	)
Cambridge, Rodney D.	) Art Unit: 2137
	)
Application No. 09/916,607	) Examiner: Pyzocha, Michael J.
	)
Filed: 07/26/2001	) Atty. Docket No.
	) NAI1P312/01.048.02
For: METHOD AND APPARATUS FOR IMPLEMENTING A HANDHELD SECURITY SYSTEM	) Date: 10/30/2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Board of Patent Appeals and Interferences

REPLY BRIEF (37 C.F.R. § 41.37)

This Reply Brief is being filed within two (2) months of the mailing of the Examiner's Answer mailed on 09/26/2007.

Following is an issue-by-issue reply to the Examiner's Answer.

Issue # 1:

The Examiner has rejected Claims 1, 3, 5-6, 10, 15-16, 19-20, 25-26, and 34-38 under 35 U.S.C. 103(a) as being unpatentable over Doub (U.S. Patent No. 6,594,762), in view of Lunsford et al. (U.S. Patent No. 6,614,350), and in further view of Logan (U.S. Patent No. 6,631,271).

Group #1: Claims 1, 3, 5, 10, 15-16, 19-20, 25-26, and 34-38

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on appellant's disclosure. *In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

With respect to the first element of the *prima facie* case of obviousness and, in particular, the obviousness of combining the Doub and Lunsford references, the Examiner has argued that it would have been obvious to combine Doub with Lunsford "to include the Bluetooth alerting of Lunsford et al. in the system of Doub," and that the "[m]otivation to do so would have been to deter the theft and prevent inadvertent abandonment of various portable devices (see Lunsford et al. column 2 lines 37-47)." To the contrary, appellant respectfully asserts that it would not have been obvious to combine the teachings of the Doub and Lunsford references, especially in view of the vast evidence to the contrary.

If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Thus, the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. See MPEP § 2143.01.

In particular, in the Office Action dated 08/18/2006, the Examiner admitted that "Doub clearly and expressly teaches a handheld security system which is maintained between 'an electronic device and a remote device' (abstract line 1)." The Examiner further noted that "[t]he entire disclosure relates to a system in which one device is controlled by one control unit (e.g. Col 1, line 46 to Col 2, line 16; Fig 1)." Additionally, the Examiner admitted that "[n]ot only is there no disclosure that a device is registered with more than one control unit, such teaching would appear to be logically inconsistent with Doub as Doub's control unit would be inoperable to control the device if the device were...registered with other control units seeking to control the device" (See page 10 of the Office Action dated 08/18/2006-emphasis added).

However, appellant respectfully asserts that Lunsford teaches "a method and system for effecting a security system upon multiple devices" and that "[t]he invention provides for multiple devices to respond as authorized members of a security web such that each device acts as a co-monitoring device within the web" (see Col. 2, lines 37-41; and Figures 1-4 – emphasis added). Lunsford further teaches that "[e]ach device periodically polls for the presence of all the other devices in the piconet and if the signal from any device is not detected by any other device in the piconet then all devices sound an alarm" (Col. 8, lines 42-45 – emphasis added). Thus, because Lunsford clearly teaches multiple devices where each device polls all other devices, the devices in Lunsford are clearly registered with other devices.

Therefore, since Doub discloses a device that is only registered with a single control unit, and the control unit of Doub would be inoperable to control the device if the device were registered to more than one control unit, as admitted by the Examiner, it is clear that modifying the device of Doub according to the system of Lunsford, in which a device is registered with multiple other devices, would render the invention of Doub unsatisfactory for its intended purpose. To emphasize, because the Examiner has admitted that "Doub's control unit would be inoperable to control the device if the device were...registered with other control units seeking to control the device" (emphasis added), and Lunsford teaches multiple devices polling other devices, the Examiner's proposed combination of the Doub and Lunsford references is improper under *In re Gordon.*

In the Examiner's Answer mailed 09/26/2007, the Examiner has argued that the "Examiner agrees with Appellant's classification of Doub, but respectfully disagrees with Appellant's classification of Lunsford et al." The Examiner has specifically argued that "figures 1a and 1b disclose embodiments of Lunsford et al. where two devices are registered with only each other and not with multiple devices (see column 4 lines 31-49)," and that therefore "when each device polls all other devices, each device only polls a single device, as similarly taught by Doub."

Appellant respectfully disagrees. As taught in Col. 4, lines 31-49 of Lunsford, two devices act as co-monitoring devices, where each of such devices "is enabled to monitor additional devices" (see Col. 4, line 37-40 and 43). Appellant again emphasizes that since Doub discloses a device that is only registered with a single control unit, and the control unit of Doub would be inoperable to control the device if the device were registered to more than one control unit, as admitted by the Examiner, it is clear that modifying the device of Doub according to the system of Lunsford, in which a device is enabled to monitor additional devices, would render the invention of Doub unsatisfactory for its intended purpose.

To this end, the Examiner's proposed combination of the Doub and Lunsford references is improper under *In re Gordon*, and thus the first element of the *prima facie* case of obviousness has not been met.

Additionally, appellant respectfully asserts that the third element of the *prima facie* case of obviousness has also not been met by the prior art excerpts relied on by the Examiner. For example, with respect to the independent claims, the Examiner has relied on Col. 7, lines 9-15; and Col. 8 lines 38-49 from Lunsford to make a prior art showing of appellant's claimed technique "wherein the control unit includes a control unit display, the control unit display being configured to display information associated with the device when it is determined that the device is not within the range of communications of the control unit" (see this or similar, but not necessarily identical language in the independent claims).

Appellant respectfully asserts that Col. 7, lines 9-15 from Lunsford, as relied on by the Examiner, merely teaches that "upon the determination of a non-authorized loss of proximity, an event is initiated upon at least one device in the security web" and that "[t]he event initiated may

vary widely with examples being the activation of audio and visual alarms, the activation and deactivation of user pre-determined devices, and the transmission of communications to a device outside of the security web" (Col. 7, lines 9-15 – emphasis added).

However, only generally disclosing that visual alarms may be initiated upon the loss of proximity of a device, as in Lunsford, in no way specifically suggests that "the control unit includes a control unit display, the control unit display being configured to display information associated with the device when it is determined that the device is not within the range of communications of the control unit" (see at least substantially the same subject matter in each of the independent claims-emphasis added), as claimed by appellant. Simply indicating that a visual alarm may be initiated, as in Lunsford, simply fails to meet "display[ing] information associated with the device" via "a control unit display" (see at least substantially the same subject matter in each of the independent claims-emphasis added), as claimed by appellant.

Additionally, Col. 8, lines 45-49 from Lunsford, as relied on by the Examiner, simply teaches that "any device which loses contact with all other devices of the piconet displays the owners name, address, and telephone number and then locks itself from further use until such time as a password is entered into the device" (emphasis added).

However, displaying the owner's name, address, and telephone number on the device which has lost contact with all other devices, as in Lunsford, in no way suggests that "the control unit includes a control unit display, the control unit display being configured to display information associated with the device when it is determined that the device is not within the range of communications of the control unit" (see at least substantially the same subject matter in each of the independent claims-emphasis added), as claimed by appellant. Clearly, displaying the owner's information on the device which has lost contact, as in Lunsford, fails to suggest "display[ing] information associated with the device" via "a control unit display" (see at least substantially the same subject matter in each of the independent claims-emphasis added), as claimed by appellant.

In the Examiner's Answer mailed 09/26/2007, the Examiner has argued that "when proximity of the devices is lost an event would be initiated on either or both devices," where "[t]his event

'may vary widely with examples being the activation of audio and **visual alarms**' (emphasis added from column 7 lines 9-15)." The Examiner has thus concluded that "[f]or each of the devices to be able to show a visual alarm it must have some sort of display configured to display the visual alarm."

The Examiner has further argued that "when a device loses proximity it 'displays the owners name, address, and telephone number' (see column 8 lines 45-49)," and that "[t]his information is clearly associated with the device and only displayed when it is determined that the device is not within range of communications of the control unit." The Examiner has additionally argued that "since the portion of Lunsford et al. relied upon is the situation where there are only two devices, when one loses proximity they both do so the alarm and therefore device information will be displayed on both devices (i.e. the control unit and the device)."

Still yet, the Examiner has argued that the "invention of Lunsford et al. is related to 'the prevention of in advertent of various portable information devices' (see column 2 lines 41-44) and 'personal electronic devices can be easily concealed and stolen or they may simply be put down by their owners, forgotten, and left behind' (see column 1 lines 51-64)." The Examiner has further argued that "[s]ince the invention is related to helping owners prevent the loss of their devices it is clear that in the situation described above, 'the owner' owns both of the devices monitoring each other," and that "when two devices lose proximity the same owner's information would be displayed on both devices" such that "the information being displayed on the control unit display, when the devices are not in communications range, would be **associated** with the device."

Appellant respectfully disagrees. As noted by the Examiner, Lunsford only teaches that "any device which loses contact with all other devices of the piconet displays the owners name, address, and telephone number" (Col. 8, lines 45-49-emphasis added), where such owner relates to the owner of the device. Thus, since Lunsford only teaches displaying on a device information associated with the owner of the device, Lunsford does not meet appellant's claimed "display[ing] information associated with the **device**" via "a **control unit display**" (see at least substantially the same subject matter in each of the independent claims-emphasis added), as claimed by appellant. Moreover, the Examiner's suggestion that multiple devices may have the

same owner does not explicitly or inherently teach "display[ing] information associated with the **device**" via "a **control unit display**" (see at least substantially the same subject matter in each of the independent claims-emphasis added), as claimed by appellant.

In addition, with respect to the independent claims, the Examiner has again relied on Col. 7, lines 9-15 and Col. 8, lines 38-49 in Lunsford to make a prior art showing of appellant's claimed technique "wherein the device includes a device display, the device display being configured to display information associated with the control unit when it is determined that the device is not within the range of communications of the control unit" (see this or similar, but not necessarily identical language in the independent claims).

Appellant respectfully asserts that, as argued above, the excerpts relied on by the Examiner only generally disclose that visual alarms may be initiated upon the loss of proximity of a device and that the owner's name, address, and telephone number are displayed on the device which has lost contact with all other devices. Clearly, only generally disclosing visual alarms, along with displaying information on the device which has lost contact with all other devices, as in Lunsford, fails to meet appellant's claimed technique "wherein the device includes a device display, the device display being configured to display information associated with the control unit when it is determined that the device is not within the range of communications of the control unit" (see at least substantially the same subject matter in each of the independent claims-emphasis added), as claimed.

In the Examiner's Answer mailed 09/26/2007, the Examiner has argued that "the owner of the two devices in Lunsford...is the same and when the devices lose proximity both devices display the owner's information." The Examiner has also argued that "[f]or each of the devices to be able to show a visual alarm it must have some sort of display configured to display the visual alarm" such that "the information being displayed on the device display, when the devices are not in communications range, would be **associated** with the control unit."

Appellant respectfully disagrees. As noted above, Lunsford only teaches that "any device which loses contact with all other devices of the piconet displays the owners name, address, and telephone number" (Col. 8, lines 45-49-emphasis added), where such owner relates to the owner

of the device. Thus, since Lunsford only teaches displaying on a device information associated with the owner of the device, Lunsford does not meet appellant's claimed "device [that] includes a device display, the device display being configured to display information associated with the **control unit** when it is determined that the device is not within the range of communications of the control unit" (see at least substantially the same subject matter in each of the independent claims-emphasis added), as claimed. Moreover, the Examiner's suggestion that multiple devices may have the same owner does not explicitly or inherently teach a "device display being configured to display information associated with the **control unit** when it is determined that the device is not within the range of communications of the control unit" (see at least substantially the same subject matter in each of the independent claims-emphasis added), as claimed by appellant.

Further, with respect to the independent claims, the Examiner has relied on Col. 2, lines 30-63; and Col. 6, lines 41-53 from Logan to make a prior art showing of appellant's claimed technique "wherein the device is configured to periodically send the identifying signal utilizing a period of time which is configured based on movements of an owner" (see this or similar, but not necessarily identical language in the independent claims).

Appellant respectfully asserts that the excerpts relied on by the Examiner merely teach that "Blue Tooth chips could be integrated into a small device (here called a 'badge') whose prime function is to indicate position and which can be...placed on or near stationary devices, such as the Palm docking station, or the cell phone recharger, with which Bluetooth devices or things bearing other Bluetooth badges could link to at times" (Col. 6, lines 47-53 - emphasis added). In addition, the excerpts relied on by the Examiner teach that "[a]lthough the Bluetooth chips in these devices may be primarily intended for different functions, they can play a useful role in the position monitoring and notification system contemplated by the present invention" (Col. 2, lines 59-62 – emphasis added).

However, using Blue Tooth chips to indicate position and for position monitoring, as in Logan, fails to even suggest "a period of time which is configured based on movements of an owner," let alone that "the device is configured to periodically send the identifying signal utilizing a period

of time which is configured based on movements of an owner" (emphasis added), as claimed by appellant.

In the Examiner's Answer mailed 09/26/2007, the Examiner has argued that "both Doub and Lunsford teach periodically sending the identifying signal utilizing a period of time (see Doub column 3 lines 58-61 and Lunsford column 6 lines 41-55)," but that "[t]hese references fail to teach that this time is based on movements of an owner." The Examiner has further argued that "Logan teaches setting rules for verifying the proximity of devices...based on the users movements (see column 6 lines 41-67)."

Appellant notes that the Examiner has specifically pointed to Column 6, lines 61-66 of Logan in arguing that "when the owner moves to the car during a set time period certain devices should be verified as present...to prevent the owner from forgetting a device," such that "the combined references teach [appellant's] claimed technique."

Appellant respectfully disagrees. The excerpt from Logan relied on by the Examiner only discloses rules indicating when the "user should be alerted," and does not disclose "**periodically** send[ing] the identifying signal utilizing a period of time," particularly where such period of time "is configured based on movements of an owner" (emphasis added), as appellant specifically claims. Appellant emphasizes that Col. 6, lines 41-67 in Logan, as relied on by the Examiner, does not even relate to "periodically send[ing] the identifying signal utilizing a period of time which is configured based on movements of an owner" (emphasis added), as claimed.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

Group #2: Claim 6

With respect to Claim 6, the Examiner has relied on Col. 3, line 19 to Col. 4, line 63 from Doub, and Col. 8, lines 38-49 from Lunsford to make a prior art showing of appellant's claimed technique "wherein the device is exclusively registered with the control unit."

Appellant respectfully asserts that the excerpt from Doub relied upon by the Examiner merely discloses that "during an initial set-up procedure, the user may input a password or other data into the electronic device 100 and the remote device 110 to create the first authentication code" where "the electronic device 100 checks the reply signal for the data or password provided by the user" (emphasis added). Further, Doub teaches that "[i]f the reply signal does not include the correct first authentication code, the display controller 210 will not enable the display 115."

However, merely teaching that the user inputs a password into the electronic device and remote device and that the electronic device checks the reply signal for the password before enabling the display fails to even suggest a technique "wherein the device is exclusively registered with the control unit" (emphasis added), as claimed. Clearly, Doub's teachings that the electronic device enables the display if the reply signal contains the correct password fails to event suggest a technique "wherein the device is exclusively registered with the control unit" (emphasis added), as claimed by appellant.

Further, appellant respectfully asserts that the excerpt from Lunsford relied upon by the Examiner merely teaches that "multiple Bluetooth enabled portable information devices... are communicatively connected to every other device within a Bluetooth piconet," that "[e]ach device periodically polls for the presence of all the other devices in the piconet," and that "if the signal from any device is not detected by any other device in the piconet then all devices sound an alarm" (Col. 8, lines 38-45 – emphasis added). Further, Lunsford teaches that "any device which loses contact with all other devices of the piconet displays the owners name, address, and telephone number and then locks itself from further use" (Col. 8, lines 45-49).

However, polling for the presence of all other devices in a network and sounding an alarm if any device is not detected by any other device, in addition to displaying owner information when a device loses contact with all other devices, does not teach a technique "wherein the device is exclusively registered with the control unit" (emphasis added), as claimed by appellant. In fact, teaching that a device polls for the presence of all other devices in a network, as in Lunsford, *teaches away* from a technique "wherein the device is exclusively registered with the control unit" (emphasis added), as claimed by appellant. A *prima facie* case of obviousness may also be

rebutted by showing that the art, in any material respect, teaches away from the claimed invention. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997).

In the Examiner's Answer mailed 09/26/2007, the Examiner has argued that "Doub relates to a handheld security system that maintains security between 'an electronic device and a remote device' (abstract line 1)," and that "[t]he entire disclosure relates to a system in which one device is controlled by one control unit (see for example column 1 line 46 through column 2 line 16; Fig 1)." The Examiner has further argued that "Lunsford teaches that only two devices may be used to monitor each other (see Figures 1a and 1b and column 4 lines 31-49)." Appellant respectfully disagrees, for at least the reasons noted above.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

Issue # 2:

The Examiner has rejected Claims 14 and 24 under 35 U.S.C. 103(a) as being unpatentable over Doub, in view of Lunsford et al., in view of Logan, and in further view of Parker (U.S. Patent Publication No. 2002/0078393).

Group #1: Claims 14 and 24

Appellant respectfully asserts that such claims are not met by the prior art for the reasons argued with respect to Issue #1, Group #1.

Issue # 3:

Issue # 3: The Examiner has rejected Claims 29, 31, and 33 under 35 U.S.C. 103(a) as being unpatentable over Doub, in view of Lunsford et al., in view of Logan, and in further view of Lenz (U.S. Patent Publication No. 2001/0053947).

Group #1: Claims 29, 31, and 33

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on appellant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

With respect to the first element of the *prima facie* case of obviousness and, in particular, the obviousness of combining the Doub and Lunsford references, the Examiner has argued that it would have been obvious to combine Doub with Lunsford "to include the Bluetooth alerting of Lunsford et al. in the system of Doub," and that the "[m]otivation to do so would have been to deter the theft and prevent inadvertent abandonment of various portable devices (see Lunsford et al. Col. 2, lines 37-47)." To the contrary, appellant respectfully asserts that it would not have been obvious to combine the teachings of the Doub and Lunsford references, especially in view of the vast evidence to the contrary.

If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Thus, the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. See MPEP § 2143.01.

In particular, in the Office Action dated 08/18/2006, the Examiner admitted that "Doub clearly and expressly teaches a handheld security system which is maintained between 'an electronic device and a remote device' (abstract line 1)." The Examiner further noted that "[t]he entire disclosure relates to a system in which one device is controlled by one control unit (e.g. Col 1, line 46 to Col 2, line 16; Fig 1)." Additionally, the Examiner admitted that "[n]ot only is <u>there no disclosure that a device is registered with more than one control unit</u>, such teaching would

appear to be logically inconsistent with Doub as Doub's control unit would be inoperable to control the device if the device were...registered with other control units seeking to control the device" (See page 10 of the Office Action dated 08/18/2006-emphasis added).

However, appellant respectfully asserts that Lunsford teaches "a method and system for effecting a security system upon multiple devices" and that "[t]he invention provides for multiple devices to respond as authorized members of a security web such that each device acts as a co-monitoring device within the web" (see Col. 2, lines 37-41; and Figures 1-4 – emphasis added). Lunsford further teaches that "[e]ach device periodically polls for the presence of all the other devices in the piconet and if the signal from any device is not detected by any other device in the piconet then all devices sound an alarm" (Col. 8, lines 42-45 – emphasis added). Thus, because Lunsford clearly teaches multiple devices where each device polls all other devices, the devices in Lunsford are clearly registered with other devices.

Therefore, since Doub discloses a device that is only registered with a single control unit, and the control unit of Doub would be inoperable to control the device if the device were registered to more than one control unit, as admitted by the Examiner, it is clear that modifying the device of Doub according to the system of Lunsford, in which a device is registered with multiple other devices, would render the invention of Doub unsatisfactory for its intended purpose. To emphasize, because the Examiner has admitted that "Doub's control unit would be inoperable to control the device if the device were...registered with other control units seeking to control the device" (emphasis added), and Lunsford teaches multiple devices polling other devices, the Examiner's proposed combination of the Doub and Lunsford reference is improper under *In re Gordon*.

In the Examiner's Answer mailed 09/26/2007, the Examiner has argued that the "Examiner agrees with Appellant's classification of Doub, but respectfully disagrees with Appellant's classification of Lunsford et al." The Examiner has specifically argued that "figures 1a and 1b disclose embodiments of Lunsford et al. where two devices are registered with only each other and not with multiple devices (see Col. 4, lines 31-49)," and that therefore "when each device polls all other devices, each device only polls a single device, as similarly taught by Doub."

Appellant respectfully disagrees. As taught in Col. 4, lines 31-49 of Lunsford, two devices act as co-monitoring devices, where each of such devices "is enabled to monitor additional devices" (see Col. 4, line 37-40 and 43). Appellant again emphasizes that since Doub discloses a device that is only registered with a single control unit, and the control unit of Doub would be inoperable to control the device if the device were registered to more than one control unit, as admitted by the Examiner, it is clear that modifying the device of Doub according to the system of Lunsford, in which a device is enabled to monitor additional devices, would render the invention of Doub unsatisfactory for its intended purpose.

To this end, the Examiner's proposed combination of the Doub and Lunsford references is improper under *In re Gordon*, and thus the first element of the *prima facie* case of obviousness has not been met.

Additionally, appellant respectfully asserts that the third element of the *prima facie* case of obviousness has also not been met by the prior art excerpts relied on by the Examiner. For example, with respect to independent Claim 29, the Examiner has relied on Col. 7, lines 9-15; and Col. 8 lines 38-49 from Lunsford to make a prior art showing of appellant's claimed technique "wherein the control unit includes a control unit display, the control unit display being configured to display information associated with the device when it is determined that the device is not within the range of communications of the control unit."

Appellant respectfully asserts that Col. 7, lines 9-15 from Lunsford, as relied on by the Examiner, merely teaches that "upon the determination of a non-authorized loss of proximity, an event is initiated upon at least one device in the security web" and that "[t]he event initiated may vary widely with examples being the activation of audio and visual alarms, the activation and deactivation of user pre-determined devices, and the transmission of communications to a device outside of the security web" (Col. 7, lines 9-15 – emphasis added).

However, only generally disclosing that visual alarms may be initiated upon the loss of proximity of a device, as in Lunsford, in no way specifically suggests that "the control unit includes a control unit display, the control unit display being configured to display information associated with the device when it is determined that the device is not within the range of

communications of the control unit" (emphasis added), as claimed by appellant. Simply indicating that a visual alarm may be initiated, as in Lunsford, simply fails to meet "display[ing] information associated with the device" via "a control unit display" (emphasis added), as claimed by appellant.

Additionally, Col. 8, lines 45-49 from Lunsford, as relied on by the Examiner, simply teaches that "any device which loses contact with all other devices of the piconet displays the owners name, address, and telephone number and then locks itself from further use until such time as a password is entered into the device" (emphasis added).

However, displaying the owner's name, address, and telephone number on the device which has lost contact with all other devices, as in Lunsford, in no way suggests that "the control unit includes a control unit display, the control unit display being configured to display information associated with the device when it is determined that the device is not within the range of communications of the control unit" (emphasis added), as claimed by appellant. Clearly, displaying the owner's information on the device which has lost contact, as in Lunsford, fails to suggest "display[ing] information associated with the device" via "a control unit display" (emphasis added), as claimed by appellant.

In the Examiner's Answer mailed 09/26/2007, the Examiner has argued that "when proximity of the devices is lost an event would be initiated on either or both devices," where "[t]his event 'may vary widely with examples being the activation of audio and **visual alarms**' (emphasis added from column 7 lines 9-15)." The Examiner has thus concluded that "[f]or each of the devices to be able to show a visual alarm it must have some sort of display configured to display the visual alarm."

The Examiner has further argued that "when a device loses proximity it 'displays the owners name, address, and telephone number' (see column 8 lines 45-49)," and that "[t]his information is clearly associated with the device and only displayed when it is determined that the device is not within range of communications of the control unit." The Examiner has additionally argued that "since the portion of Lunsford et al. relied upon is the situation where there are only two

devices, when one loses proximity they both do so the alarm and therefore device information will be displayed on both devices (i.e. the control unit and the device)."

Still yet, the Examiner has argued that the "invention of Lunsford et al. is related to 'the prevention of in advertent of various portable information devices' (see column 2 lines 41-44) and 'personal electronic devices can be easily concealed and stolen or they may simply be put down by their owners, forgotten, and left behind' (see column 1 lines 51-64)." The Examiner has further argued that "[s]ince the invention is related to helping owners prevent the loss of their devices it is clear that in the situation described above, 'the owner' owns both of the devices monitoring each other," and that "when two devices lose proximity the same owner's information would be displayed on both devices" such that "the information being displayed on the control unit display, when the devices are not in communications range, would be **associated** with the device."

Appellant respectfully disagrees. As noted by the Examiner, Lunsford only teaches that "any device which loses contact with all other devices of the piconet displays the owners name, address, and telephone number" (Col. 8, lines 45-49-emphasis added), where such owner relates to the owner of the device. Thus, since Lunsford only teaches displaying on a device information associated with the owner of the device, Lunsford does not meet appellant's claimed "display[ing] information associated with the **device**" via "a **control unit display**" (see at least substantially the same subject matter in each of the independent claims-emphasis added), as claimed by appellant. Moreover, the Examiner's suggestion that multiple devices may have the same owner does not explicitly or inherently teach "display[ing] information associated with the **device**" via "a **control unit display**" (see at least substantially the same subject matter in each of the independent claims-emphasis added), as claimed by appellant.

In addition, with respect to independent Claim 29, the Examiner has again relied on Col. 7, lines 9-15 and Col. 8, lines 38-49 in Lunsford to make a prior art showing of appellant's claimed technique "wherein the device includes a device display, the device display being configured to display information associated with the control unit when it is determined that the device is not within the range of communications of the control unit."

Appellant respectfully asserts that, as argued above, the excerpts relied on by the Examiner only generally disclose that visual alarms may be initiated upon the loss of proximity of a device and that the owner's name, address, and telephone number are displayed on the device which has lost contact with all other devices. Clearly, only generally disclosing visual alarms, along with displaying information on the device which has lost contact with all other devices, as in Lunsford, fails to meet appellant's claimed technique "wherein the device includes a device display, the device display being configured to display information associated with the control unit when it is determined that the device is not within the range of communications of the control unit" (emphasis added), as claimed.

In the Examiner's Answer mailed 09/26/2007, the Examiner has argued that "the owner of the two devices in Lunsford...is the same and when the devices lose proximity both devices display the owner's information." The Examiner has also argued that "[f]or each of the devices to be able to show a visual alarm it must have some sort of display configured to display the visual alarm" such that "the information being displayed on the device display, when the devices are not in communications range, would be **associated** with the control unit."

Appellant respectfully disagrees. As noted above, Lunsford only teaches that "any device which loses contact with all other devices of the piconet displays the owners name, address, and telephone number" (Col. 8, lines 45-49-emphasis added), where such owner relates to the owner of the device. Thus, since Lunsford only teaches displaying on a device information associated with the owner of the device, Lunsford does not meet appellant's claimed "device [that] includes a device display, the **device** display being configured to display information associated with the **control unit** when it is determined that the device is not within the range of communications of the control unit" (see at least substantially the same subject matter in each of the independent claims-emphasis added), as claimed. Moreover, the Examiner's suggestion that multiple devices may have the same owner does not explicitly or inherently teach a "**device display** being configured to display information associated with the **control unit** when it is determined that the device is not within the range of communications of the control unit" (see at least substantially the same subject matter in each of the independent claims-emphasis added), as claimed by appellant.

Further, with respect to independent Claim 29, the Examiner has relied on Col. 2, lines 30-63; and Col. 6, lines 41-53 from Logan to make a prior art showing of appellant's claimed technique "wherein the device is configured to periodically send the identifying signal utilizing a period of time which is configured based on movements of an owner."

Appellant respectfully asserts that the excerpts relied on by the Examiner merely teach that "Blue Tooth chips could be integrated into a small device (here called a 'badge') whose prime function is to indicate position and which can be...placed on or near stationary devices, such as the Palm docking station, or the cell phone recharger, with which Bluetooth devices or things bearing other Bluetooth badges could link to at times" (Col. 6, lines 47-53 - emphasis added). In addition, the excerpts relied on by the Examiner teach that "[a]lthough the Bluetooth chips in these devices may be primarily intended for different functions, they can play a useful role in the position monitoring and notification system contemplated by the present invention" (Col. 2, lines 59-62 – emphasis added).

However, using Blue Tooth chips to indicate position and for position monitoring, as in Logan, fails to even suggest "a period of time which is configured based on movements of an owner," let alone that "the device is configured to periodically send the identifying signal utilizing a period of time which is configured based on movements of an owner" (emphasis added), as claimed by appellant.

In the Examiner's Answer mailed 09/26/2007, the Examiner has argued that "both Doub and Lunsford teach periodically sending the identifying signal utilizing a period of time (see Doub column 3 lines 58-61 and Lunsford column 6 lines 41-55)," but that "[t]hese references fail to teach that this time is based on movements of an owner." The Examiner has further argued that "Logan teaches setting rules for verifying the proximity of devices...based on the users movements (see column 6 lines 41-67)."

Appellant notes that the Examiner has specifically pointed to Column 6, lines 61-66 of Logan in arguing that "when the owner moves to the car during a set time period certain devices should be verified as present...to prevent the owner from forgetting a device," such that "the combined references teach [appellant's] claimed technique."

Appellant respectfully disagrees. The excerpt from Logan relied on by the Examiner only discloses rules indicating when the "user should be alerted," and does not disclose "**periodically** send[ing] the identifying signal utilizing a period of time," particularly where such period of time "is configured based on movements of an owner" (emphasis added), as appellant specifically claims. Appellant emphasizes that Col. 6, lines 41-67 in Logan, as relied on by the Examiner, does not even relate to "periodically send[ing] the identifying signal utilizing a period of time which is configured based on movements of an owner" (emphasis added), as claimed.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

In view of the remarks set forth hereinabove, all of the independent claims are deemed allowable, along with any claims depending therefrom.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P312).

Respectfully submitted,

By: /KEVINZILKA/ Date: October 30, 2007
Kevin J. Zilka
Reg. No. 41,429

Zilka-Kotab, P.C.
P.O. Box 721120
San Jose, California 95172-1120
Telephone: (408) 971-2573
Facsimile: (408) 971-4660